

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

| | | |
|----------------------|---|----------|
| ROBERT KRUG, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | 1:15CV88 |
| |) | |
| REGIONS FINANCIAL |) | |
| CORPORATION, et al., |) | |
| |) | |
| Defendants. |) | |

ORDER AND RECOMMENDATION OF UNITED STATES MAGISTRATE

This matter is before the Court on several motions: Plaintiff's Consent Motion for Leave to Amend Complaint to Join Regions Bank ("RB") as Defendant and Consent to Stay Action as to Regions Financial Corporation ("RFC") and RB Pending Arbitration (Docket Entry 23), Plaintiff's Consent Motion for an Extension of Time to file a Reply to Defendant Trans Union, LLC's ("TU") response to Defendant RFC's Motion to Compel Arbitration and Stay Action (Docket Entry 24), and Defendant RFC's Consent Motion for an Extension of Time to answer Plaintiff's First Amended Complaint (Docket Entry 25).

On March 25, 2015, Defendant RFC filed a motion to compel arbitration, and to stay this action as to claims against it pending the completion of that arbitration. (Docket Entry 11.) In his motion for leave to amend the complaint, Plaintiff consents to Defendant RFC's motion to compel, and seeks an order compelling arbitration of his claims and staying this action as to Defendants RFC and RB. At the consent of the parties, the Court will grant Plaintiff's motion for leave to file a second amended complaint, and recommend that this action be stayed as to Defendants RFC and RB pending the completion of arbitration. In its

response to Defendant RFC's motion, Defendant TU seeks to have this action stayed against it pending the completion of that arbitration. (Docket Entry 18.) This request is not in the proper form pursuant Local Rule 7.3. Once Defendant TU submits a motion to stay this action against in proper form, the Court will consider it at the appropriate time. As such, Plaintiff's consent motion for an extension of time to file a reply to Defendant RFC's motion to compel is moot. As to Defendant RFC's motion for an extension of time to file an answer to Plaintiff's first amended complaint, this motion is moot. Accordingly,

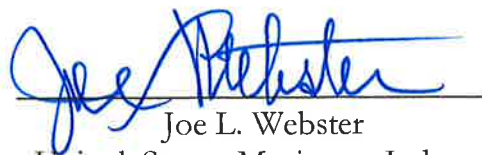
IT IS HEREBY ORDERED that Plaintiff's motion (Docket Entry 23) is **GRANTED** to the extent Plaintiff seeks leave to amend the complaint. Within seven (7) days from the date of this Order, Plaintiff shall file the Second Amended Complaint in substantially the same form as Exhibit A (Docket Entry 23-1).

IT IS FURTHER ORDERED that Plaintiff's consent motion (Docket Entry 24) for an extension of time to reply to Defendant TU's response is **DENIED** as moot.

IT IS FURTHER ORDERED that Defendant RFC's consent motion (Docket Entry 25) for an extension of time to answer Plaintiff's second amended complaint is **DENIED** as moot.

IT IS HEREBY RECOMMENDED that arbitration be compelled as to Plaintiff's claims against Defendants RFC and RB, and this action be **STAYED** as to Plaintiff's claims against Defendants RFC and RB pending the conclusion of the arbitration.

This, the 11th day of May, 2015.


Joe L. Webster
United States Magistrate Judge